

REMARKS**Summary of the Office Action**

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,371,637 to Atchinson et al. ("Atchinson") in view of U.S. Patent No. 5,929,562 to Pichler ("Pichler").

Summary of the Response to the Office Action

Applicant amends claims 1, 12, 17, 26, and 35. Support for the amendments can be found in the specification. (See, e.g., page 3, lines 11-14; page 6, lines 18-19.) No new matter has been added. Claims 1-35 are pending.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Atchinson in view of Pichler. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that neither Atchinson nor Pichler, whether taken alone or combined, renders obvious any of claims 1-35 because neither of these references, whether taken alone or combined, teaches every feature recited in the claims. In particular, neither Atchinson nor Pichler teaches at least the feature "said single, flexible organic light emitting diode layer being a single, continuous light emitting element," as recited in amended independent claim 1. Amended independent claims 17, 26, and 35 recite similar language.

Both Atchinson and Pichler disclose light sources comprising a plurality of light emitting elements. For example, Atchinson discloses a light emitting diode array 20 that is mounted on a flexible substrate 37. (See col. 5, lines 1-5.) The array 20 comprises a plurality of light emitting

diode elements 32 that are disposed in close proximity to one another. (See col. 5, lines 1-3.) Likewise, Pichler discloses a composite organic light-emitting display that comprises a laminate of at least two organic electroluminescent devices, such as a green emitting device 1 and a red emitting device 2. (See col. 3, lines 48-53; col. 4, lines 33-36.) Thus, neither Atchinson nor Pichler teaches a “single, flexible organic light emitting diode layer being a single, continuous light emitting element,” as recited in claim 1.

Pichler further teaches that each of the devices 1, 2 includes a substrate, an anode, a cathode, and an organic layer system between the anode and the cathode from which light is emitted. (See col. 4, lines 36-39.) Based on that teaching, the Office action asserts that it would have been obvious to incorporate the device of Pichler into the method of Atchinson “in order to provide a thinner device.” (See page 3.) Applicant respectfully disagrees.

In the context of establishing a *prima facie* case of obviousness, M.P.E.P. § 2142 states:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (Citations omitted.)

There is no apparent reason to combine Atchinson and Pichler to obtain the claimed invention. Atchinson discloses a light emitting diode array 20 that comprises a plurality of light emitting diode elements 32. (See col. 5, lines 1-3.) Likewise, Pichler discloses a composite organic light-emitting display that comprises a laminate of at least two organic electroluminescent devices 1, 2. (See col. 3, lines 48-53; col. 4, lines 33-36.) Pichler teaches

that “organic light-emitting devices can be made very thin.” (See col. 2, lines 21-23.)

Accordingly, incorporating the organic electroluminescent devices 1, 2 of Pichler into the array 20 of Atchinson (i.e., replacing Atchinson’s elements 32 with Pichler’s devices 1, 2) may yield “a thinner device;” however, such combination of references does not yield the claimed invention, more particularly, the feature “said single, flexible organic light emitting diode layer being a single, continuous light emitting element,” as recited in claim 1. Thus, there is no apparent reason to combine Atchinson and Pichler to obtain the claimed invention, and, therefore, the Office action has failed to establish a *prima facie* case of obviousness with respect to claims 1, 17, 26, and 35.

In view of the foregoing, Applicant respectfully requests that the rejection of claims 1, 17, 26, and 35 under 35 U.S.C. § 103(a) be withdrawn. Applicant also respectfully requests that the rejection of claims 2-16, 18-25, and 27-34 under 35 U.S.C. § 103(a) be withdrawn because these claims depend from claims 1, 17, 26, or 35 and, therefore, incorporate all the features of claims 1, 17, 26, or 35.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration, entry of the amendments, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant’s undersigned representative to expedite prosecution.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

If there are any other fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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